The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ZANGO, INC., Plaintiff, v. PC TOOLS PTY, LTD., Defendant.	NO. 07-CV-00797 JCC DECLARATION OF DEREK IMMEKUS IN OPPOSITION TO PC TOOLS' MOTION TO DISMISS

I, Derek Immekus, declare as follows:

1. I am a strategic planning analyst in the Strategic Intelligence Department of Zango, Inc. I have been employed by Zango for approximately two and a half years. I graduated from Sonoma State with a BS in Business and Finance. I make this declaration based on personal knowledge.

2. Over the past 30 days, Zango has had approximately 53,000 users/customers (i.e., persons who have installed Zango's application on their computer) in the State of Washington. Zango does not collect personal data on its customers (we do not know the names, addresses, or phone numbers of customers), but a type of non-personal data called the IP (Internet Protocol) address is collected. Each IP address has a code, provided by our third-party

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geo-location service and called the Region ID, that correlates to a particular state. Thus, I have been able to calculate the number of Zango's Washington users in the method discussed below.

3. Every Zango customer has installed Zango's software application (which we call the "client") on his or her computer. If the customer performs any Internet activity, the client automatically sends a signal to Zango's server that essentially tells the server, "I'm here and available for an ad in the event the customer makes a request." This message is the configuration call, or what we call the "config call." To determine the number of Washington customers, I queried our config call log and counted the number of individual Washington users, based on the state code (Region ID), who made a config call within a 24-hour period. The average daily total over the last several days was 27,344 unique users in Washington. This represents 1.6 percent of all of Zango's U.S. customers during the same period of time.

4. Due to the structure of Zango's databases, I could not query the number of customers in Washington over a monthly period, but I could do so for the entire United States. Thus, to calculate Washington users over a monthly period, I multiplied 1.6 percent times the number of users nationwide over the monthly period. The product of this calculation is 53,500 users over the last month. This number differs from the number of users in Washington over the past several days due to the reality that not every Zango customer was conducting Internet activity over the last several days.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 18th day of June, 2007, at Seattle, Washington.

s/ Derek Immekus
Derek Immekus

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CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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